

E AND R AMENDMENTS TO LB 25

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 71-4401, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-4401 For purposes of sections 71-4401 to 71-4412
6 and sections 3 and 4 of this act, unless the context otherwise
7 requires:

8 (1) Domestic animal ~~shall mean~~ means any dog or cat, and
9 cat ~~shall mean~~ means a cat which is a household pet;

10 (2) Vaccination against rabies ~~shall mean~~ means the
11 inoculation of a domestic or hybrid animal with a rabies vaccine
12 as approved by the rules and regulations adopted and promulgated
13 by the Department of Health and Human Services Regulation and
14 Licensure. Such vaccination shall be performed by a veterinarian
15 duly licensed to practice veterinary medicine in the State of
16 Nebraska;

17 (3) Compendium ~~shall mean~~ means the compendium of animal
18 rabies vaccine as provided by the National Association of State
19 Public Health Veterinarians;

20 (4) Department ~~shall mean~~ means the Department of Health
21 and Human Services Regulation and Licensure;

22 (5) Hybrid animal means any animal which is the product
23 of the breeding of a domestic animal with a nondomestic animal;

1 ~~(5)~~ (6) Own, unless otherwise specified, ~~shall mean~~ means
2 to possess, keep, harbor, or have control of, charge of, or custody
3 of a domestic or hybrid animal. This term ~~shall~~ does not apply
4 to domestic or hybrid animals owned by other persons which are
5 temporarily maintained on the premises of a veterinarian or kennel
6 operator for a period of not more than thirty days;

7 ~~(6)~~ (7) Owner ~~shall mean~~ means any person possessing,
8 keeping, harboring, or having charge or control of any domestic
9 or hybrid animal or permitting any domestic or hybrid animal to
10 habitually be or remain on or be lodged or fed within such person's
11 house, yard, or premises. This term ~~shall~~ does not apply to
12 veterinarians or kennel operators temporarily maintaining on their
13 premises domestic or hybrid animals owned by other persons for a
14 period of not more than thirty days; and

15 ~~(7)~~ (8) Rabies control authority ~~shall mean~~ means county,
16 township, city, or village health and law enforcement officials who
17 shall enforce sections 71-4401 to 71-4412 and sections 3 and 4 of
18 this act relating to the vaccination and impoundment of domestic
19 or hybrid animals. Such public officials ~~shall not be~~ are not
20 responsible for any accident or disease of a domestic or hybrid
21 animal resulting from the enforcement of such sections.

22 Sec. 2. Section 71-4402, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-4402 (1) Every domestic animal in the State of
25 Nebraska shall be vaccinated against rabies with a licensed
26 vaccine and ~~shall be~~ revaccinated at intervals specified by
27 rules and regulations adopted and promulgated by the department.

1 Young domestic animals shall be initially vaccinated at the age
2 specified in such rules and regulations. Unvaccinated domestic
3 animals acquired or moved into the State of Nebraska shall be
4 vaccinated within thirty days after purchase or arrival unless
5 under the age for initial vaccination.

6 (2) The rabies vaccine used to vaccinate domestic
7 animals pursuant to this section shall be sold only to licensed
8 veterinarians.

9 ~~(3) The department shall adopt and promulgate rules~~
10 ~~and regulations for the control and prevention of rabies. Such~~
11 ~~rules and regulations shall generally comply with the compendium~~
12 ~~and the recommendations of the United States Public Health~~
13 ~~Service. The department may consider changes in the compendium~~
14 ~~and recommendations of the United States Public Health Service when~~
15 ~~adopting and promulgating such rules and regulations.~~

16 Sec. 3. (1) Every hybrid animal in the State of Nebraska
17 shall be vaccinated against rabies with a licensed vaccine
18 determined scientifically to be reliable in preventing rabies
19 in a hybrid animal and shall be revaccinated at intervals specified
20 by rules and regulations adopted and promulgated by the department.
21 A young hybrid animal shall be initially vaccinated at the age
22 specified in such rules and regulations. An unvaccinated hybrid
23 animal acquired or moved into the State of Nebraska shall be
24 vaccinated within thirty days after purchase or arrival unless
25 under the age for initial vaccination.

26 (2) The rabies vaccine used to vaccinate a hybrid
27 animal pursuant to this section shall be sold only to licensed

1 veterinarians.

2 (3) It is unlawful to own a hybrid animal in this state
3 if no licensed vaccine determined scientifically to be reliable in
4 preventing rabies is available for a hybrid animal.

5 (4) If no licensed vaccine determined scientifically to
6 be reliable in preventing rabies is available for a hybrid animal,
7 an owner of a hybrid animal prior to the effective date of this
8 act may continue to own or harbor such hybrid animal until (a) the
9 hybrid animal dies or physical possession of the hybrid animal is
10 transferred to an owner in another state or (b) one year after the
11 effective date of this act, whichever is shorter, if the hybrid
12 animal is kept by the owner in an enclosure adequate to prevent the
13 escape of the hybrid animal.

14 Sec. 4. The department shall adopt and promulgate rules
15 and regulations for the control and prevention of rabies. Such
16 rules and regulations shall generally comply with the compendium
17 and the recommendations of the United States Public Health
18 Service. The department may consider changes in the compendium
19 and recommendations of the United States Public Health Service when
20 adopting and promulgating such rules and regulations.

21 Sec. 5. Section 71-4403, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-4403 It shall be the duty of each veterinarian, at the
24 time of vaccinating any domestic or hybrid animal, to complete a
25 certificate of rabies vaccination which shall include, but not be
26 limited to, the following information:

27 (1) The owner's name and address;

1 (2) An adequate description of the domestic or hybrid
2 animal, including, but not limited to, such items as the domestic
3 or hybrid animal's breed, sex, age, name, and distinctive markings;

4 (3) The date of vaccination;

5 (4) The rabies vaccination tag number;

6 (5) The type of rabies vaccine administered;

7 (6) The manufacturer's serial number of the vaccine used;

8 and

9 (7) The site of vaccination.

10 Such veterinarian shall issue a tag with the certificate
11 of vaccination.

12 Sec. 6. Section 71-4404, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-4404 The cost of rabies vaccination shall be borne by
15 the owner of the domestic or hybrid animal.

16 Sec. 7. Section 71-4405, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-4405 (1) The provisions of sections 71-4401 to 71-4412
19 and sections 3 and 4 of this act with respect to vaccination
20 shall not apply to any domestic or hybrid animal owned by a
21 person temporarily remaining within the State of Nebraska for less
22 than thirty days, to any domestic or hybrid animal brought into
23 the State of Nebraska for field trial or show purposes, or to
24 any domestic or hybrid animal brought into the state for hunting
25 purposes for a period of less than thirty days. Such domestic or
26 hybrid animals shall be kept under strict supervision of the owner.
27 It shall be unlawful to bring any domestic or hybrid animal into

1 the State of Nebraska which does not comply with the animal health
2 laws and import rules and regulations of the State of Nebraska
3 which are applicable to domestic or hybrid animals.

4 (2) Domestic or hybrid animals assigned to a research
5 institution or a similar facility shall be exempt from sections
6 71-4401 to 71-4412 and sections 3 and 4 of this act.

7 Sec. 8. Section 71-4406, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-4406 (1) Any animal which is owned by a person and has
10 bitten any person or caused an abrasion of the skin of any person
11 shall be seized by the rabies control authority for a period of not
12 less than ten days if:

13 (a) The animal is suspected of having rabies, regardless
14 of the species and whether or not the animal has been vaccinated;

15 (b) The animal is not vaccinated and is of a species
16 determined by the department to be a rabid species; or

17 (c) The animal is of a species which has been determined
18 by the department to be a rabid species not amenable to rabies
19 protection by immunization, whether or not such animal has been
20 vaccinated.

21 If, after observation and examination by a veterinarian,
22 at the end of the ten-day period the animal shows no clinical signs
23 of rabies, the animal may be released to its owner.

24 (2)(a) Except as provided in subdivision (b) of this
25 subsection, whenever any person has been bitten or has an abrasion
26 of the skin caused by an animal owned by another person, which
27 animal has been vaccinated in accordance with section 71-4402 and

1 section 3 of this act, or if such injury to a person is caused by
2 an owned animal determined by the department to be a rabid species
3 amenable to rabies protection by immunization which has been
4 vaccinated, such animal shall be confined by the owner or other
5 responsible person as required by the rabies control authority for
6 a period of at least ten days and shall be observed and examined by
7 a veterinarian at the end of such ten-day period. If no clinical
8 signs of rabies are found by the veterinarian, such animal may be
9 released from confinement.

10 (b) A vaccinated animal owned by a law enforcement or
11 governmental military agency which bites or causes an abrasion of
12 the skin of any person during training or the performance of the
13 animal's duties may be confined as provided in subdivision (a) of
14 this subsection. Such agency shall maintain ownership of and shall
15 control and supervise the actions of such animal for a period of
16 fifteen days following such injury. If during such period the death
17 of the animal occurs for any reason, a veterinarian shall within
18 twenty-four hours of the death examine the tissues of the animal
19 for clinical signs of rabies.

20 (3) Any animal of a rabid species which has bitten a
21 person or caused an abrasion of the skin of a person and which
22 is unowned or the ownership of which cannot be determined within
23 seventy-two hours of the time of the bite or abrasion shall be
24 immediately subject to any tests which the department believes are
25 necessary to determine whether the animal is afflicted with rabies.
26 The seventy-two-hour period shall include holidays and weekends
27 and shall not be extended for any reason. The tests required by

1 this subsection may include tests which require the animal to be
2 destroyed.

3 Sec. 9. Section 71-4407, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-4407 In the case of domestic or hybrid animals known
6 to have been bitten by a rabid animal, the following rules shall
7 apply:

8 (1) If the bitten or exposed domestic or hybrid animal
9 has not been vaccinated in accordance with section 71-4402 and
10 section 3 of this act, such bitten or exposed domestic or hybrid
11 animal shall be immediately destroyed unless the owner is willing
12 to place such domestic or hybrid animal in strict isolation in a
13 kennel under veterinary supervision for a period of not less than
14 six months; and

15 (2) If the bitten or exposed domestic or hybrid animal
16 has been vaccinated in accordance with section 71-4402 and section
17 3 of this act, such domestic or hybrid animal shall be subject to
18 the following procedure: (a) Such domestic or hybrid animal shall
19 be immediately revaccinated and confined for a period of not less
20 than thirty days following vaccination; (b) if such domestic or
21 hybrid animal is not immediately revaccinated, such domestic or
22 hybrid animal shall be confined in strict isolation in a kennel
23 for a period of not less than six months under the supervision
24 of a veterinarian; or (c) such domestic or hybrid animal shall be
25 destroyed if the owner does not comply with either subdivision (a)
26 or (b) of this subdivision.

27 Sec. 10. Section 71-4408, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-4408 (1) The rabies control authority may authorize an
3 animal pound or pounds or may enter into a cooperative agreement
4 with a licensed veterinarian for the establishment and operation of
5 a pound.

6 (2) Any dog or hybrid of the family Canidae found
7 outside the owner's premises whose owner does not possess a valid
8 certificate of rabies vaccination and valid rabies vaccination
9 tag for such dog or hybrid of the family Canidae shall be
10 impounded. The rabies control authority may require the impoundment
11 of domestic or hybrid animals other than dogs or hybrids of the
12 family Canidae. All impounded domestic or hybrid animals shall
13 be given proper care, treatment, and maintenance. Each impounded
14 domestic or hybrid animal shall be kept and maintained at the pound
15 for a period of not less than seventy-two hours unless reclaimed
16 earlier by the owner.

17 (3) Notice of impoundment of all animals, including any
18 significant marks of identification, shall be posted at the pound
19 as public notification of impoundment. Any unvaccinated domestic or
20 hybrid animal may be reclaimed by its owner during the period of
21 impoundment by payment of prescribed pound fees and by complying
22 with the rabies vaccination requirement of sections 71-4401 to
23 71-4412 and sections 3 and 4 of this act within seventy-two hours
24 of release. Any vaccinated domestic or hybrid animal impounded
25 because its owner has not presented a valid certificate of rabies
26 vaccination and a valid rabies vaccination tag for such domestic
27 or hybrid animal may be reclaimed by its owner by furnishing proof

1 of rabies vaccination and payment of all impoundment fees prior to
2 release.

3 (4) At the expiration of impoundment, a domestic or
4 hybrid animal may be claimed by payment of established pound
5 fees and by compliance with the rabies vaccination requirement of
6 sections 71-4401 to 71-4412 and sections 3 and 4 of this act within
7 seventy-two hours of release. If the domestic or hybrid animal is
8 unclaimed at the end of five days, the authorities may dispose of
9 the domestic or hybrid animal in accordance with applicable laws or
10 rules and regulations.

11 Sec. 11. Section 71-4409, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-4409 The rabies control authority shall enforce
14 sections 71-4401 to 71-4412 and sections 3 and 4 of this act.

15 In the event that the health and law enforcement
16 officials of a county, township, city, or village fail to act
17 with sufficient promptness in enforcing sections 71-4401 to 71-4412
18 and sections 3 and 4 of this act, the department may take all
19 actions necessary for the proper administration and enforcement of
20 such sections relating to vaccination and impoundment of domestic
21 or hybrid animals. In such a case no authorized representatives
22 of the department or any law enforcement officials enforcing such
23 sections shall be responsible for any accident or disease of a
24 domestic or hybrid animal resulting from the enforcement of such
25 sections.

26 Sec. 12. Section 71-4410, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-4410 The owner of any domestic or hybrid animal or any
2 person who violates any of the provisions of sections 71-4401 to
3 71-4412 and sections 3 and 4 of this act shall be guilty of a Class
4 V misdemeanor. When the owner of any domestic or hybrid animal or
5 other animal fails or refuses to comply with section 71-4406 or
6 71-4407, the rabies control authority shall obtain an order for
7 seizure of such animal pursuant to Chapter 29, article 8.

8 Sec. 13. Section 71-4412, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-4412 In the State of Nebraska, all laws, ordinances,
11 codes, or rules and regulations concerning the control of rabies or
12 the vaccination of domestic or hybrid animals against rabies shall
13 be enforced by the county, township, city, and village health and
14 law enforcement officials or those other officers with regulatory
15 authority as specified by the governing political subdivisions.

16 Whenever a county, township, city, or village requires
17 the licensure of domestic or hybrid animals, it may require that,
18 before a license is issued for the possession or maintenance of any
19 domestic or hybrid animal in any such county, township, city, or
20 village, the owner or keeper of the domestic or hybrid animal shall
21 furnish to the clerk of such political subdivision a certification
22 that the domestic or hybrid animal has been vaccinated against
23 rabies in accordance with sections 71-4401 to 71-4412 and sections
24 3 and 4 of this act.

25 Sec. 14. Original sections 71-4401, 71-4402, 71-4403,
26 71-4404, 71-4405, 71-4406, 71-4407, 71-4408, 71-4409, 71-4410, and
27 71-4412, Reissue Revised Statutes of Nebraska, are repealed.

1 2. On page 1, line 2, after "71-4405," insert "71-4406,";
2 in line 4 after "to" insert "define and redefine terms; to require
3 vaccination of hybrid animals; to"; and in line 5 after the
4 last semicolon insert "to provide for rules and regulations; to
5 harmonize provisions;".